

Peter M. Kutil

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LAW OFFICES  
**KING & KING LLP**  
THE SANBORN MAP BUILDING  
629 Fifth Avenue – Suite 113  
Pelham, N.Y. 10803  
914-380-5970  
e-mail: pkutil@king-king-law.com

Sanborn & King (1865 – 1872)  
George A. King (1855-1938)  
William B. King (1861-1930)

January 2, 2017

**VIA ECF**

Magistrate Judge Vera M. Scanlon  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Scottsdale Insurance Company v. Bo Steel Group Inc. et al.  
EDNY Index No. 1:14-cv-07318-AMD-VMS

Dear Judge Scanlon:

The undersigned represents defendants KSK Construction Group (“KSK”) and Sevenberry Construction LLC (collectively, “Sevenberry”).

I write to ask the Court for an extension to the date for Sevenberry’s exchange of its expert report. At conference on November 17<sup>th</sup>, the Court set the exchange date for January 6<sup>th</sup>, 2017 and I write to request a 30-day extension to February 6<sup>th</sup>. The Court may recall that in light of the issues surrounding Bo Steel’s attorney’s motions to withdraw, the Court allowed for Sevenberry’s preparation of an expert report. The due date for this report was set for January 6, 2017. I have plaintiff’s consent to extend that date 30 days and ask for this extension for the following reasons:

The plaintiff report was never served on the undersigned. The plaintiff’s report was served on other counsel; however, plaintiff omitted service of all counsel, specifically Sevenberry’s counsel. I alerted the plaintiff’s counsel of this in mid-December. We agreed that we would seek to remedy this by asking the Court leave to allow Sevenberry additional time to prepare a responsive report. Due to the Holidays, I was not able to get this letter to the Court prior.

As the Court extended the time for Bo Steel to appear by Counsel to 1/31/17, I submit that this request regarding expert disclosure will not delay the case. Also, the Court set disclosure completion dates for 1/31/17 in this case, and the requested adjournment is one week past that deadline. The request also resolves a possible motion by Sevenberry to strike the plaintiff’s report as it was never provided to Sevenberry.

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I appreciate the Court's and counsels' courtesy in the matter.

Respectfully submitted,  
*Peter M. Kutil*  
Peter M. Kutil

cc: All counsel (via ecf)

PMK:sas